



MINUTES OF THE SPECIAL CALLED MEETING
OF THE PLANNING COMMISSION
CITY COMMISSION CHAMBERS, CITY HALL
THURSDAY, AUGUST 8, 2013 4:30 P.M.

The Planning Commission of the City of Leesburg held its regular meeting Thursday, June 20, 2013, in the Commission Chambers at City Hall. Chairman James Argento called the meeting to order at 4:30 p.m. The following Commission members were present:

James Argento
Charles Townsend
Frazier J. Marshall
Ted Bowersox
Donald Lukich

City staff that was present included Bill Wiley, Community Development Director, Dan Miller, Senior Planner, and Dianne Pacewicz, Administrative Assistant II. City Attorney Fred Morrison was also present.

The meeting opened with an invocation given by Chairman James Argento and the Pledge of Allegiance to the Flag.

Bill Wiley, Community Development Director, informed the audience of the rules of participation and the need to sign the speaker's registry. He also informed Commissioners and the audience of the City Commission meeting dates tentatively scheduled.

Dianne Pacewicz swore in staff as well as anyone wishing to speak.

MINUTES OF PLANNING & ZONING COMMISSION MEETING FOR JUNE 20, 2013.

Commissioner Ted Bowersox moved to APPROVE the minutes from the JUNE 20, 2013 meeting. Commissioner Frazier J. Marshall SECONDED the motion, which was PASSED by a vote of 5 to 0.

City staff requested the second case be moved to become case number one due to scheduling conflicts of audience members.

NEW BUSINESS

2. PUBLIC HEARING CASE # RZ-13-48 – C.R. 470 REZONING – PLANNED DEVELOPMENTS REZONING

ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, REZONING APPROXIMATELY 3,117.5 ACRES FROM PUD (PLANNED UNIT DEVELOPMENT AND P (PUBLIC) TO PUD (PLANNED UNIT DEVELOPMENT) TO ALLOW FOR THE DEVELOPMENT OF A TECHNOLOGY AND INDUSTRIAL PARK FOR A PROPERTY LOCATED NORTH OF COUNTY ROAD 48 AND EAST OF THE FLORIDA TURNPIKE, AND NORTH AND SOUTH OF COUNTY ROAD 470, AS LEGALLY DESCRIBED IN SECTIONS 06, 07, 08, 09, 16, 17, 21 AND 21, TOWNSHIP 20, RANGE 24, LAKE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE. (CITY COMMISSION DATES - 1st READING ON AUGUST 26TH, 2013

AND A 2ND READING ON SEPTEMBER 9TH, 2013)

Dan Miller entered and presented the exhibits into record. The exhibit items included the staff summary, departmental review summary, staff recommendations, general location/aerial map, land use and zoning maps, wetlands and flood zone map, site photos, and conceptual site plan.

There were comments that were received by both the departments and the public, and staff has tried to incorporate these comments into the Staff Recommendations. There were a total of three public responses received for approval and nine public responses received for disapproval. There was also a request for a continuance by the Lake County Water Authority from the originally scheduled meeting of July 19, 2013. They stated they needed additional time to review the information, which Staff agreed to. That is the reason why we are having this special called meeting today. Staff has tried to address the concerns of the Lake Water Authority in the Staff Recommendations as well.

Bill Wiley gave a background of the property stating that the City of Leesburg did a PUD for 75 acres of this property on the corner of Bay Avenue and 470. The City was attempting to market the property for a Commerce Park. With the economy being in a decline the last several years, there were responses but nothing ever materialized. The City of Leesburg attempted to develop conceptual plans for aviation and energy related issues, but the plan was too narrow in scope. With the change in administration and the City of Leesburg being selected by Duke Energy for a special study of this area, there was an attempt to broaden the scope to attract larger types of industries such as distribution centers. As part of that there was a presentation by consultants from Duke Energy, who spent \$50,000, which was free to Leesburg. They have a vested interest in this area, because it is one that they service.

There were issues that Duke Energy recommended that the City take. One of them was to 're-brand' and develop this area, which is near the interstate, to bring employment into the area. Another was to develop the zoning for this area so when a prospective client comes in they won't have to go through the rezoning process. If this area is in competition with other areas, a delay of 120 days could knock the City out of consideration. Duke Energy is waiting for this part of the process to be completed so they can start marketing Leesburg.

The Planning & Zoning staff recommended the approval of the request for the following reasons:

1. The proposed zoning district of PUD (Planned Unit Development) is compatible with adjacent properties zoned County A (Agriculture) and City P (Public) to the north, County R-1 (Rural Residential) and County A (Agriculture) to the east, City CIP (Commercial Industrial Planned), County A (Agriculture) and City PUD (Planned Unit Development) to the west and south, and does not appear to be detrimental to existing residential uses to the east because of the required buffer.
2. The proposed zoning district of PUD (Planned Unit Development) is compatible with the existing City future land use designations of Conservation, Institutional, Industrial and Technology Park.
3. The proposed rezoning would be compatible with the intensity of the current uses proposed and with adjacent uses in the areas.
4. The rezoning of the subject properties is consistent with the City's Growth Management Plan, Future Land Use Element, Goal I, Objective 1.6.

SUBJECT to the following comments:

1. Staff recommends approval of the proposed rezoning subject to the PUD (Planned Unit Development) conditions attached hereto as Exhibit A with the Design Guideline Requirements Exhibit C and forwarding the recommendations to the City Commission for consideration.

Bill Wiley highlighted the following in the PUD conditions to expedite.

3. LAND USES

The above described property shall be used for PUD (Planned Unit Development) uses as limited,

pursuant to City of Leesburg development codes and standards.

- A. The uses shall be restricted to those uses approved specifically in the PUD conditions for the site.

- 1) Public, office, commercial and industrial uses shall be those listed for the PUD uses in the Land Development Code except as limited by this PUD and shall occupy the approximate 662 acres of park development area including an estimated 212 acres of actual building area (9,248,800 SF) and approximately 2,438 acres (78 percent) of open space and conservation areas as shown on the Conceptual Master Park Plans Exhibit B.

- B. AREA

The impervious surface coverage for the entire Planned Unit Development shall not exceed fifty (50) percent of the gross site area.

- C. OPEN SPACE

A minimum of fifty (50) percent of the site shall be developed as common open space and conservation areas.

4. SITE ACCESS

- A. Access to the site shall be primarily from C.R. 470 with a divided boulevard type roads for large projects. Site access will be reviewed by staff during the site plan review process.

5. HEIGHT OF BUILDINGS

- A. The maximum height of any structure within one and fifty hundred (150) feet of a single-family residential zoning district property line shall be thirty-five (35) feet or two and one-half (2 1/2) stories. The maximum height for all other structures shall be seventy-two (72) feet or six (6) stories.

6. DEVELOPMENT STANDARDS

- A. The minimum development standards shall be those required for the M-1 Industrial district except as amended by these conditions.
- B. Hours of operations for uses shall be restricted to 7:00 a.m. to 11:00 p.m. within 300 feet on any existing residential district (See Conceptual Master Park Plan Data Exhibit B).

7. PARKING

- A. The permittee shall construct off-street parking spaces within the development per City of Leesburg Code of Ordinances, as amended, which shall include the required number of handicapped parking spaces.

8. WETLANDS PROTECTION

The property's sensitive ecological systems and wildlife habitats shall be protected through the following requirements.

- A. All wetlands on the project site shall be identified and the location and extent of each wetland shall be determined by St. Johns River Water Management District and/or U.S. Army Corp of Engineers. Each wetland shall be placed on a suitable map, signed and sealed by a surveyor registered to practice in Florida and shall be submitted as part of the preliminary plan application.
- B. Buildings or structures have a 25' minimum/50' average wetland buffers on-site Environmental Resource Permit (ERP) permit from SJRWMD from any wetland jurisdiction boundary.
- C. Wetlands shall have a minimum upland buffer as established by St. Johns River Water Management District and/or U.S. Army Corp of Engineers; whichever is more restrictive. All upland buffers shall be naturally vegetated and upland buffers that are devoid of natural vegetation shall be re-planted with native vegetation or as required by St. Johns River Water Management District and/or U.S. Army Corp of Engineers.
- D. Land uses allowed within the upland buffers are limited to hiking trails, walkways, passive recreation activities and stormwater facilities as permitted by St. Johns River Water Management District.

- E. If wetland alteration is permitted by St. Johns River Water Management District and/or U.S. Army Corp of Engineers, wetland mitigation shall be required in accordance with permit approvals from St. Johns River Water Management District or U.S. Army Corp of Engineers, whichever is more restrictive.
- F. To the extent practical, wetlands shall be placed in a conservation easement, which shall run in favor of, and be enforceable by, St. Johns River Water Management District or another legal entity such as a property-owners association. The conservation easement shall require that the wetlands be maintained in their natural and unaltered state. Wetlands shall not be included as a part of any platted lot, other than a lot platted as a common area, which shall be dedicated to St. Johns River Water Management District or another legal entity such as a property-owners association for ownership and maintenance.

10. ENVIRONMENTAL ASSESSMENT

A wildlife/archaeological management plan for the project site shall be prepared based on the results of an environmental assessment of the site and any environmental permit required from applicable governmental agencies. The management plan shall be submitted to the City as part of the site plan application for each phase. The Permittee shall designate a responsible legal entity that shall implement and maintain the management plan.

11. TRANSPORTATION

- A. All transportation improvements shall be contingent upon site plan approval by City of Leesburg staff during development review/permit application. Said approval shall also be contingent upon review and approval by Lake County, the MPO and the City of Leesburg, as required.

- 1) Traffic/Transportation Study

A traffic/transportation study shall be submitted prior to development approval for review and determination of any necessary access improvements, including any off-site improvements required by Lake County, the MPO or the City of Leesburg. The study maybe submitted for each phase as they are developed. Said improvements will be the responsibility of the Permittee.

- 2) Roadway Improvements

The applicant shall provide all necessary roadway and intersection improvements within the development and its connection to County Road 470 and any possible emergency access, based on a current traffic analysis, as required by County or City staff during the site plan review process. Approval of all necessary permits and improvements as required by the City of Leesburg, the MPO, Lake County and FDOT shall include any needed right of way, signalization and improvements required to support the development.

- 3) Internal Circulation

Drives shall be constructed within the interior of the development such that continuous vehicular access is available among and between all structures within the development, where feasible. Sidewalks shall be constructed as required by the City of Leesburg Code of Ordinances for the development.

12. LANDSCAPING/BUFFERING

- A. Landscaping of any required buffer areas shall be as follows:

- 1) Plans and site design for the installation of landscape buffers shall be submitted and approved during the site plan review process and prior to issuance of building permits for the development of each phase. All landscaping shall be in accordance with regulations contained within the City of Leesburg Code of Ordinances, or as required by these PUD conditions.

- 2) A minimum one hundred and fifty (150) foot landscape buffer shall be required along the eastern boundary of the property adjacent to the residential areas on Debbie Road and Bay Avenue and a minimum twenty-five (25) foot buffer shall be provided along C.R. 470. Said buffer shall include a landscape berm, fence or wall with planting as

provided below. However, existing natural buffer areas that meet the intent of the code because of existing tree cover and increased buffer width may be considered as meeting the referenced requirements if approved by the Community Development Director

- 3) For each one hundred (100) linear feet, or fraction thereof, of required landscaping, the following plants shall be provided in accordance with the planting standards and requirements of the City of Leesburg Code of Ordinances, as amended.
 - a. Two (2) canopy trees
 - b. Two (2) ornamental trees
 - c. Thirty (30) shrubs
 - d. The remainder of the buffer area shall be landscaped with grass, groundcover, and/or other landscape treatment.
 - e. Existing vegetation in the required buffer shall be protected during construction.
- 4) Walls, Berms and Fences shall be required as follows (See Exhibit E):
 - a. An eight foot solid buffer wall shall be used as a visual buffer for adjacent residential areas on Debbie Road and Bay Avenue. The wall shall be of a decorative "split face" concrete masonry, decorative brick or standard concrete masonry clad with painted stucco or other masonry veneer that is compatible with the developed C.R.470 Industrial and Technology Park adjacent area. When these materials are used for a visual screen, they shall conform to the architectural style, materials and color of the development. Wood and PVC fencing shall not be used. The wall shall include a continuous decorative cap and end column features where applicable. The wall shall be placed along the interior buffer boundary of the landscape buffer area from the adjoining property line. As an alternative, said buffer may include an earthen berm no less than six (6) feet in height, containing at a minimum, a double row of evergreen or deciduous trees planted at intervals of ten (10) feet on center. In addition, additional landscaping and PVC fencing may be required by the Community Development Director to effectively buffer adjacent land uses.
 - b. Where a six foot buffer wall or fence is used as a landscape buffering for adjacent public roads or property not located adjacent to residential districts, it shall be of a decorative "split face" concrete masonry, decorative brick, stone or standard concrete masonry clad with painted stucco or other masonry veneer that is compatible with the adjacent park area. When these materials are used for a visual screen, they shall conform to the architectural style, materials and color of the development. They shall include a continuous decorative cap and end column features where applicable. They shall be placed along the interior buffer boundary of the landscape buffer area from the adjoining property line. Wood fencing shall not be used and PVC fencing shall be restricted. As an alternative, said buffer may include an earthen berm no less than three (3) feet in height, containing at a minimum, a double row of evergreen or deciduous trees planted at intervals of ten (10) feet on center. In addition, additional landscaping and PVC fencing may be required by the Community Development Director to effectively buffer adjacent land uses.
 - c. Permitted fencing shall include black, decorative, aluminum with columns done in brick or stone along adjacent public roads and zoning districts other than residential. Black vinyl coated chain link may be used elsewhere on the site. However, no galvanized chain link, or wood shall be permitted and PVC fencing shall be restricted.
- 5) Variations to the landscape and fencing requirements may be approved i.e. where walls and berms are used, by the Community Development Director as long as the intent of the PUD is maintained.

13. OPERATIONAL REQUIREMENTS

- A. The applicant shall be subject to Section 12-19 Regulation of Public Nuisances of the City of Leesburg Code of Ordinances.
- B. A noise/vibration/dust and/or traffic study by the applicant may be required to ensure compliance with this section if reoccurring formal written complaints from multiple complainants related to traffic, noise/vibration/dust are received by the City. The applicant shall have the right to a hearing on the requirement for the referenced study before Planning Commission if they believe the complaints are not valid.
- C. The operation of machinery or equipment shall be restricted to the interior of buildings, except for the use of forklifts etc. to receive and ship products.
- D. No activity including but not limited to loading and unloading, truck traffic, storage, fork lifts etc. shall occur in the buffer set back area, as described per Section 12 LANDSCAPING AND BUFFER REQUIREMENTS above.

14. MAINTENANCE

- A. With the exception of public utilities, maintenance of all site improvements, including but not limited to drives, sidewalks, landscaping and drainage shall be the responsibility of the City of Leesburg unless the property is sold or leased by the City with a legally created property owner's association etc.

15. ARCHITECTURE

- A. All buildings shall have a common architectural theme for each phase and the side of buildings which face residential areas or streets (public or private) shall be finished in the same materials as used in the front of buildings.
- B. Exterior building materials contribute significantly to the visual impact of a building on the community. They shall be well designed and integrated into a comprehensive design style for the project including sides and rear of buildings which shall be integrated with the front elevation materials and design (See Exhibits C and F).
- C. Design of the project shall comply with the intent of the Design Guideline Requirements (See Exhibits C and D).
- D. Other similar design variations meeting the intent of the PUD may be approved by the Community Development Director.

16. DEVELOPMENT PHASING

- A. The proposed project may be constructed in phases in accordance with the Planned Unit Development Conditions and Conceptual Plans. Changes to the Development Plan, other than those conditions described in this agreement, shall be revised in accordance with the Planned Development review process as amended.

Bill Wiley stated that we are going to get quality development in this area. There will be about 9,000 different units, most of which will be residential, but there will not be any homes out there until there are places to work. He reiterated that the concerns of the Lake County Water Authority were addressed regarding the amount of conservation in the area and their request to provide a 150 foot buffer adjacent to their property.

Mr. Wiley noted that since this is a City-owned property, there is no applicant present.

Renee Bass, who lives at 27831 Debbie Road, said that she had heard about this project but it was presented in a different light. She said that if you look at both of the conceptual plans, there is a large structure on both A & B, which is adjacent to her property. The residents on Debbie Road are there because of the rural nature of the area. The large structure is a significant change in the rural area. If they put a 2 ½ story building on

this property, that will exceed any fence or berm. The residents on Debbie Road were under the impression that the property would be a mixed-use of public space, including a park area to provide additional buffering for any larger facilities built adjacent to the property. Her property has wetlands behind it, but her neighbor's property does not, so it would be directly affecting their way of life. She questions if there was going to be artificial lighting, which would affect the livestock in the area. When the property was purchased by her family many years ago, there was wildlife that often came on to their property. This project is significantly impacting the reason why they bought the property. Although this is a conceptual plan, they need to have their voices heard.

Commissioner Townsend asked if she was misled by a previous City Manager regarding the conceptual plan. Ms. Bass answered that yes they were, and that this plan has not come back as a rezoning issue until now. They came to the residents originally as a Public zoning, and they were originally led to believe that it would be a public space with parks. Commissioner Townsend asked if that appeased her. Ms. Bass answered that it did appease her because she wouldn't have a major development directly behind her.

Commissioner Lukich stated that according to the conceptual plan, they will have to be 300 feet from the existing residential. Commissioner Lukich asked if he thought that would be too close. Ms. Bass said that if you think of the noise factor, she doesn't currently live next to a distribution center, so she can't speak of what that would entail. Commissioner Lukich stated that he understands her position but development is the future. It seems to him that 300 feet is a long way. Commission Townsend said that it is about the length of a football field. Commissioner Lukich said that 78% of the property cannot be developed and is that really a problem. Ms. Bass answered that to the residents on Debbie Road it is. She said that she knows she cannot stop progress. They are a small group of citizens, but they are citizens that want to be heard.

Mr. Wiley said that the PUD is for office space. Regarding the concerns about distribution centers and trucks, you would have to change what was being proposed. It was particularly proposed for an office, which would have restricted hours of operation. Ms. Bass said that these are all conceptual plans, and conceptual plans tend to change. What is conceptually on the screen right now could change in 5 years.

Commissioner Bowersox stated that the people need to stay concerned about it. What will happen is what the planners want to have happen. Most likely this will be approved today, but that has nothing to do with what will happen in their backyard. They need to stay focused, stay concerned, and stay unified. He hopes their concerns will be dealt with, but they are not going to be able to deal with them today. From the Commissioner's point of view, they are trying to move this down the road to see what can happen. They need to try to mold this for their benefit.

Commissioner Lukich said that the only thing they are trying to today is attract potential buyers. Ms. Bass said that she understands that, but as property owners it is their job to make sure their interests are spoken for.

Commissioner Marshall asked if it says that it will be used for office space. Mr. Wiley answered that it says it in the chart which goes along with the maps. The Planning Commission is adopting both the chart and the maps, and if it changes it would have to come through Planning Commission again.

Chad Cook, who currently resides with his family, asked Mr. Wiley if, when he worked with the representatives of Duke, why was that specific building being placed in that particular spot. Mr. Wiley answered that the task that they had was to look at the City property and come up with potential development that could occur. Wherever there was residential in the area, they tried to lessen the impact. Mr. Wiley can't say where the buildings will be going exactly until the hard plans. Mr. Cook asked if he had an estimate as to how tall the building would be. Mr. Wiley answered that he didn't.

Mr. Cook also said that he has an appreciation for wildlife, and there are 1 or 2 inhabited bald eagles nests, as well as scrub jays. Commission Lukich reiterated that 78% of the property will not be touched. Mr. Cook said that the small percentage that is will greatly affect the area around it. Commissioner Townsend said that

this particular area is not covered by this commission. Mr. Wiley said that what we are doing is approving the requirement of the conditions on this property. Before this property is developed, there will need to be a species and environmental study. If there is anything on this site, it might not be able to be developed.

Bridges F. Barry, a resident at 28400 Debbie Road, inquired if the changing of the zoning would affect the hay on the property. If it is not cut, then it would grow and that would be a potential fire hazard.

Mark Cook, a resident of 27715 Debbie Road, stated that he does not have wetlands behind his house, and 300 feet is nothing. 1,000 feet would not be good enough. He said he moved here in 1973 to get away from stuff like this.

Greg Padget, a resident of Bay Ave, asked if they were going to be straightening 472. Mr. Wiley answered that it was still on the current plan. Mr. Padget stated that what is going to be done to Debbie Road has already been done to Bay Avenue. He asked if the City is just rolling the 75 acres into the rest of the project. Mr. Wiley answered that was correct. Mr. Padget said that he would rather have a dirt berm in that area. Mr. Wiley said that the heavy tree growth in that area would stay. As we move into more and more reuse, we will need less and less spray area. Mr. Padget said how everyone keeps saying long-term, but he thinks it could go much faster.

Michael Perry, Executive Director for Lake County Water Authority, which is owner of one of the adjacent properties, wanted to make a point that the whole Okahumpka marsh is also important here. This area should be maintained for conservation use and reserve. He understands that the City is trying to put together a marketing plan, but he wanted to use this opportunity to get his comments on record. He said that when the applicant is the same as the entity making the decision, that we know which direction this is going to go in. He also said that he, as an adjacent landowner wasn't aware of what was going on until it was pushed upon them. He would like to be included, as well as the residents, in some sort of formal way, to be a part of the process.

Robert Chandler, Director of Economic Development of Lake County, said that the conceptual plan is needed to go through this process, and that everything in this plan will be market driven. The site plan process is where the decisions, such as the locations of the office buildings will be. From an Economic Development side, we need more jobs around here. This is one of the premiere locations in the county from an access standpoint, and from the fact that it's publicly owned.

Michael Goiune, resident at 27633 Debbie Road, stated his concern about the wells. Mr. Wiley said that any development that takes place will be on the City's water and sewer. Mr. Goiune also expressed a concern about potential seepage into the ground. Mr. Wiley said that they would need to meet all requirements. Mr. Goiune asked about being forced to get City water and sewer. Mr. Wiley answered that he couldn't be forced, but if it's available and he is within so many feet and his well goes dry, he would be required to connect.

Linda Cook asked what Duke Energy has to do with this. Mr. Wiley answered that Duke Energy is the largest energy company, after buying out Progress Energy. Ms. Cook said that the plant was closed in Crystal River which resulted in hundreds of job losses. Mr. Wiley said that Duke Energy inherited that.

Chad Cook stated that Okahumpka is the 2nd oldest town in the state of Florida. He said how it was the watermelon capital of the world, and that there is not even blacktops in the area, only dirt roads.

This was the end of the discussion and the voting then took place.

Commissioner Ted Bowersox made a motion to APPROVE case # RZ-13-48 – C.R. 470 REZONING – PLANNED DEVELOPMENTS REZONING with an addendum of keeping people, both the local folks and the County in the loop, regarding meetings. Commissioner Donald Lukich SECONDED the motion which, PASSED by a unanimous voice vote of 5 to 0.

DISCUSSION ITEM

None

ANNOUNCEMENTS

The next scheduled meeting date is September 19, 2013.

The meeting adjourned at 6:22 p.m.

James Argento, Chairperson

Clell Coleman, Vice Chairperson

Dianne Pacewicz, Administrative Assistant II